

**CITY COUNCIL
ATLANTA, GEORGIA**

A SUBSTITUTE ORDINANCE

11-O-1473

BY FINANCE/ EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND THE ATLANTA CODE OF ORDINANCES BY: ADDING A SUBSECTION (10) TO SECTION 2-190 (b) TO CREATE A CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT IN THE OFFICE OF THE MAYOR; AND ADDING A NEW SECTION 2-200 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT; AND MODIFYING CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY ADDING A NEW ARTICLE IV ENTITLED “ENTERTAINMENT FILMING ORDINANCE”; AND ESTABLISHING A PROCESS FOR USE OF CITY PROPERTY, USE OF CITY INTELLECTUAL PROPERTY, FILM PERMITTING, AND THE COLLECTION OF FEES FROM SUCH USE AND PERMITS; THE ESTABLISHMENT OF A BOARD OF ADVISORS TO ADVISE THE MAYOR AND THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT ON ACTIVITIES OF THE ENTERTAINMENT INDUSTRY; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia state legislature signed into law the Georgia Entertainment Investment Act (“GEIA”) to increase the state tax credit to thirty percent (30%) for qualified production of motion picture projects, television series, commercials, music videos, video games, online promotions, and certain digital media projects and further bolster spending in the State of Georgia (the “State”) and the City of Atlanta (the “City”) by those various parts of the entertainment industry (collectively, the “Industry”); and

WHEREAS, in Fiscal Year 2011, the State estimated the fiscal impact of the Industry at more than Two Billion Four Hundred Million Dollars (\$2,400,000,000.00) (the “Economic Impact”). The City benefits from the majority of this Economic Impact; and

WHEREAS, the State has estimated that the Industry and the GEIA has resulted in the creation of more than thirty six thousand (36,000) full time equivalent jobs, many of which have been or will be created in the City; and

WHEREAS, the financial impact of the Industry in the City is estimated to be many millions of dollars from the growth of high paying jobs, creation of infrastructure to support the needs of the Industry, patronizing numerous restaurants and hotels, and leasing of unused property and parking lots for production activities; and

WHEREAS, the Industry is currently thriving and growing in the State and in the City, thereby boosting the economy, employing thousands of Georgians in the Industry and its ancillary services, and fostering a creative cultural demographic; and

WHEREAS, the City welcomes film, television, music, and digital media through the State's tax incentives and the City's urban environment and cityscapes, and wishes to further enhance the reputation of the City as a production friendly environment for the Industry; and

WHEREAS, the City is committed to meeting the needs of the Industry, while simultaneously sustaining the quality of life of its citizens in the neighborhoods and business districts impacted by the Industry; and

WHEREAS, the City continues to innovate services and processes that will enhance the Industry's experience of working in the City; and

WHEREAS, it is important that the City have adequate notice of Industry production events so that it can determine the resources and services needed to support the Producer and City residents and businesses, such as security, solid waste disposal, traffic control, and notification of impacted neighborhoods; and

WHEREAS, it is in the best interest of the City to establish the City of Atlanta Office of Film, Television, Music and Digital Media Development (the "AFTMDMD") in the Mayor's Office, which will be dedicated to meeting the needs of the Industry and the needs of the City's citizens and businesses. The primary purposes of the AFTMDMD will be to streamline the process of obtaining the City services requested by the Industry; to implement procedures that protect quality of life; to market and promote the City to the Industry; to facilitate potential employment of City residents for the wide variety of skilled and unskilled labor positions required by the Industry; to manage Industry use of City property (real, personal and intellectual property); and to foster the long term growth of the Industry in Atlanta; and

WHEREAS, it is in the best interest of the City to establish a Board of Advisors, served by longstanding leaders in the Industry, to advise the Mayor and the City of Atlanta Film Commissioner (the "CAFC") about best-in-class practices for working effectively with and growing the Industry in the City while respecting the needs of residents and businesses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: The Atlanta Code of Ordinances, Part II, Chapter 2 (Administration), Article III (Mayor), Division 1 (Generally), Section 2-190 (Department of the Mayor; Executive Office of the Mayor; Administrative Functions), Subsection (b) which lists the functional areas of the Office of the Mayor, shall be amended by adding a number (10) that states "Office of Film, Television, Music and Digital Media Development". Section 2-190(b) shall read as follows:

(b) The department of the Mayor shall include the following functional areas:

- (1) Office of communications;
- (2) Office of constituent services;
- (3) Office of contract compliance;
- (4) Office of enterprise assets management which shall consist of four divisions: capital projects, real estate management, enterprise assets, and facilities management;
- (5) Office of human services;
- (6) Office of intergovernmental affairs;
- (7) Office of special events coordination;
- (8) Office of emergency management;
- (9) Office of community technology; and
- (10) Office of film, television, music and digital media development

Section 2: The Atlanta Code of Ordinances, Part II, Chapter 2 (Administration), Article IV (Executive Branch Offices), shall be amended by renumbering Chapter 2 Article IV in order to add a new Section 2-200 that shall read as follows:

Sec. 2-200 Functions and duties of the Office of Film, Television, Music and Digital Media Development.

The Office of Film, Television, Music and Digital Media Development shall be responsible for administering the Entertainment Filming Ordinance, as it may be amended from time to time. The Office's functions and duties shall include:

- (1) Facilitating and coordinating interdepartmental communications with respect to requests for commercial filming activities;
- (2) Issuing permits for commercial filming activities that occur on property owned by the City or leased by the City from a third party;
- (3) Providing customer service and assistance to production companies working on City property;
- (4) Charging and collecting fees to help offset the cost of implementing the Entertainment Filming Ordinance, but not for the purpose of generating revenue;
- (5) Promoting Atlanta to the entertainment industry and attracting entertainment projects to the City; and
- (6) Facilitating the creation of entertainment industry skilled and unskilled labor job opportunities that may be filled with Atlanta residents.

Section 3: The Atlanta Code of Ordinances shall be amended so as to create and enact a new Article IV to Part II, Chapter 46 of the Code, entitled "Entertainment Filming Ordinance" which shall read as follows:

Article IV. ENTERTAINMENT FILMING

Sec. 46-100. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

AFRD means the Atlanta Fire Rescue Department.

AFTMDMD means the City of Atlanta Office of Film, Television, Music and Digital Media Development.

APD means the Atlanta Police Department.

Applicant means the Producer.

Application means the new project account document prepared by the AFTMDMD that must be completed by an Applicant in order to obtain one or more permits to perform a Commercial Filming Activity. Submission of the complete Application does not guarantee that a Permit(s) will be issued.

Application Fee means the non-refundable fee paid in connection with the filing of the Application for a Permit.

Board means the Board of Advisors of the AFTMDMD.

Chair means the Chair of the Board.

City means the City of Atlanta.

City Council means the Atlanta City Council.

City of Atlanta Film Commissioner or *CAFC* means the City employee that is the head of the AFTMDMD.

Code means the Atlanta, Georgia Code of Ordinances.

Commercial Filming Activity or *Commercial Filming Activities* means Filming; performing one or more of the Elements listed in Section 46-103 below within the context of Filming; and all other activities performed on Public Property that are required for the preparation or production of motion pictures, television, music and digital media for cinematographic purposes outside of a studio or film laboratory. Commercial Filming Activities include the production of commercials and music videos, but does not include such activities when applied to documenting current affairs, producing newscasts, or conducting a film project that is not intended for commercial release or distribution.

Department of Purview means the City department that decides or recommends to the AFTMDMD whether to allow an aspect of Filming that is within the department's operational responsibilities.

DPRCA means the Atlanta Department of Parks, Recreation, and Cultural Affairs.

DPW means the Atlanta Department of Public Works.

DWM means the Atlanta Department of Watershed Management.

Element means an activity that is listed in Code Section 46-103 below.

End Product means the final result of the Commercial Filming Activity that is intended to be commercially released or distributed.

Equipment shall include, but is not limited to, television, photographic, film or video cameras or transmitting television equipment, including radio remotes, props, sets, lights, electric and grip equipment, dolly tracks, screens, or microphone devices, and any and all production related materials. Equipment shall not include Hand-held Devices, defined herein, and vehicles that are used solely to transport a person or persons while engaged in the activity of filming or photography from within such vehicle, operated in compliance with relevant traffic laws and rules.

Filming means the taking of motion pictures, the taking of still photography or the use and operation of television cameras or transmitting television equipment, including radio remotes and any preparatory activity associated therewith, on Public Property. Filming includes, but is not limited to, the making of feature or documentary films, television serials, webcasts, simulcasts or specials, and so called “b-roll” on Public Property.

Film School means any public or private educational institution which provides coursework or instruction under which a student is allowed or required to undertake activities that would otherwise be classified as Commercial Filming Activities.

Film Student means a person who is currently enrolled and in good standing at a Film School.

Handheld Devices means film, still or television cameras, video cameras or other equipment, which are held in the photographer’s or filmmaker’s hand and carried at all times with the photographer or filmmaker during the course of filming, or tripods used to support film, still, television cameras or video cameras. Handheld Devices do not include cables or any other item or equipment not carried by the photographer or filmmaker at all times during the course of photography, filming, or transmission.

Holder means an Organization that has obtained a Permit for Commercial Filming Activity.

Individual means a person acting on behalf of himself/herself, and not on behalf of an organization, corporation or any other entity.

Low Budget Productions means pre-production and/or post production of film, video or digital media projects that are recorded on Public Property wherein the total production budget is less than four hundred and fifty thousand dollars (\$450,000.00) and are intended for multimarket commercial distribution outside of the State who are eligible for discounted Application Coordination Fees if they include a credit in the end credits that states “Filmed in the City of

Atlanta”. The size and placement of this credit shall be at the discretion of the Producer, but shall not be less favorable than any other geographical credit in the end titles, if any.

Mayor means the Mayor of the City of Atlanta, Georgia.

OEAM means the Office of Enterprise Assets Management.

OOB means the Office of Buildings.

Optional Permit means a Permit that is not a Required Permit because the Filming does not include Commercial Filming Activities. The authority provided by an Optional Permit is the same as the authority provided by a Required Permit.

Organization means a person, organization, corporation, or any other entity.

Permit shall mean a permit validly issued by the AFTMDMD that authorizes a Commercial Filming Activity and/or Elements contained therein. As used in this Article, “Permit” shall mean a “Required Permit”, unless specific designation is otherwise made for an “Optional Permit”.

Photography shall mean the taking of moving or still images.

Producer means the Organization that is ultimately responsible for the Commercial Filming Activity, and is synonymous with “Applicant”. .

Public Property means real property owned by the City or for which the City is a lessee, including, without limitation, parks, streets, sidewalks, other rights of way, and buildings. Public Property shall not include real property which is being leased by the City to a lessee.

Required Permit means a Permit that rises to the specifications and restrictions requiring a Required Permit under Section 46-101.

Temporary Structure shall mean a building or structure that is created solely as a part of the set or used as an accessory structure for Commercial Filming Activities.

Sec. 46-101 Permits for Commercial Filming Activities

(1) Commercial Filming Activities conducted on Public Property must obtain a Permit from the AFTMDMD.

(2) Obtaining such Permit does not obviate the need to comply with other applicable laws, rules or case law also governing such activity, unless mentioned herein.

(3) A Permit which allows the use of advertising or other commercial speech to be erected on Public Property for any length of time is solely for the purpose of allowing Commercial Filming Activities and is not intended to allow the Public Property currently Permitted for such use or other

Public Property to be used for the dissemination of any commercial message which may be otherwise displayed as an incidental part of the Commercial Filming Activities.

(4) The AFTMDMD shall have the authority to issue a Permit which confirms that activities being undertaken in connection with Commercial Filming Activities taking place on Public Property and/or involving the use of any City owned or maintained facilities or equipment and/or the use of intellectual property owned by the City have been approved and that the AFTMDMD has reviewed the application concerning such activities with a Department of Purview and obtained the required approvals.

(5) The CAFC is authorized as a part of approving a Permit to assist the Department of Purview with the determination of the costs which the Department of Purview may have to bear in connection with a Commercial Filming Activity and/or an Element included therein.

(6) The issuance of a Permit does not guarantee that reasonable public health, safety and welfare concerns will not cause the City to require that the terms of the Permit be changed without notice. While it is the intent of the City to honor each Permit, the issuance of such Permit shall not vest a property right in the Holder for the use of Public Property. The issuance of a Permit shall not convey any property interest to the Holder other than a limited license for Filming trademarks and other intellectual property owned by the City.

(7) A stop work order may be issued by the APD, AFRD or the Department of Purview when material activities not listed in the Permit are being undertaken.

(8) Where a Permit has been validly obtained, such Permit shall prevent the stoppage of activities listed on the Permit until the Permit's expiration (unless the Permit requires work stoppage during certain times) unless public health and safety are in jeopardy or under any other provision herein.

(9) Where the APD, AFRD or the Department of Purview has issued a stop work order to cause a Commercial Filming Activity to cease, the agency issuing such order shall also notify the CAFC and be available for consultation with the AFTMDMD within two (2) hours of the issuance.

(10) Notwithstanding any other part of this Code, the sole penalty for the failure to obtain a Permit for Commercial Filming Activities shall be the issuance of a stop work order. Violation of the stop work order in a manner which violates any other part of the Code may be prosecuted in the same manner as any other commercial activity which would be guilty of a similar offense. In the event that the violation of some other part of the Code shall occur, no section of this Article shall be included as a separate offense.

(11) Persons who are engaged in Commercial Filming Activities and are not otherwise required to obtain a Permit may request and be issued an Optional Permit pursuant to the procedures set forth in Section 46-104 below.

Sec. 46-102 Permits not required for news gathering, for public expression of opinion, or for personal photography or filming and recording or for Commercial Filming Activity occurring entirely on private property.

(1) The City recognizes the importance of free speech and the right to assemble and as such provides an exemption from the requirement that a Permit be obtained to undertake any of the following Commercial Filming Activities (the exemption does not apply to aspects of the Commercial Filming Activity that require approval from one of the City's other departments):

(a) Commercial Filming Activities associated with any rally, protest or demonstration, whether permitted or unpermitted, except: (1) when the same is staged as a part of a Commercial Filming Activity and is intended *solely* for use in the End Product and (2) the End Product may be submitted for copyright protection.

(b) Commercial Filming Activities associated with an Outdoor Event that is authorized by a City-issued Outdoor Event Permit, as defined in Part II, Chapter 142 of the Code, except: (1) when the same is staged as a part of a Commercial Filming Activity and is intended *solely* for use in the End Product; and (2) the End Product may be submitted for copyright protection.

(c) Any activity that would be authorized in connection with uses permitted under press passes issued pursuant to Part II, Chapter 98, Article II (Department of Police), Division 1 (Generally), Section 98-48 (Issuance and revocation of press or media identification cards).

(d) Filming, recording or photographing where the End Product is not intended to be submitted for copyright protection.

(e) Standing on a City street, walkway of a bridge, sidewalk, or other pedestrian passageway while using a Handheld Device and not asserting exclusive use by any means.

(f) Any filming, recording or photographing occurring in a fully enclosed building or entirely on private property as a part of a use permitted by Part III, Part 16 (Zoning) of the Code. If Commercial Filming Activities are occurring on both Public Property and private property, then the Commercial Filming Activities on Public Property must be listed on a validly issued Permit.

Sec. 46-103 Filming Elements.

(1) Each Applicant shall indicate on his/her Application which of the Elements below will be included in the Filming.

(2) The final decision of whether to allow the Element shall be made by the Department of Purview and communicated to the Applicant by the AFTMDMD.

(3) The Elements are as follows:

- (a) Uses aerial shoots from Public Property.
- (b) Requires night time filming with the use of outdoor lighting in residential areas or Public Property.
- (c) Uses Public Property including buildings owned by the City, except for properties or facilities under the purview of the DWM.
- (d) Includes constructed set pieces or Temporary Structures that require approval under Section 46-110.
- (e) Requires an exemption from the Atlanta Noise Ordinance pursuant to Part II, Chapter 74 (Environment), Article IV (Noise Control) of the Code.
- (f) Uses intellectual property of the City.
- (g) Requires closure of a street, lane and/or sidewalk.
- (h) Uses pyrotechnics or other explosives.
- (i) Uses smoke effects, water effects, or flame effects on Public Property.
- (j) Uses public display of real or artificial fire arms, grenades, or other weapons that would cause the public to fear violence.
- (k) Contains vehicle chases and/or vehicle crashes on Public Property.
- (l) Includes stunts that involve or are located on Public Property and that have a reasonable likelihood to cause personal injury.
- (m) Uses large or any other equipment on Public Property that has a reasonable likelihood of causing damage to Public Property.
- (n) Includes Filming in a City park.
- (o) Uses wild animals controlled under Federal, State, or County law.
- (p) Includes Filming on a property or facility owned or maintained by the DWM or its successor department or office.

(4) The AFTMDMD and the Departments of Purview shall compile and maintain rules applicable to the use of Public Property for Commercial Filming Activities, including the Elements contained therein. Where an Application includes a request that is not covered by the operational rules already compiled or otherwise governed by this Code, the AFTMDMD shall work with a

Department of Purview to develop criteria to be applied to the request and shall attach such criteria to the Application. The development of criteria shall not be considered to be an approval of the Application.

Sec. 46-104 Processing of Permit Applications.

The submission of an Application to the AFTMDMD shall be made on a form prescribed by the AFTMDMD to obtain a Required Permit and Optional Permit and such Application shall conform to the standards, rules, definitions, and processes provided herein.

(1) The Application shall include, but not be limited to, the following:

- (a) Filming project name; and
- (b) The name of the Applicant; and
- (c) Producer's postal address (but not a post office box), an email address, a telephone number and a facsimile number and any other contact information for purposes of receiving notifications from the AFTMDMD; and
- (d) A valid photo identification of the Applicant or, if the Applicant is not an Individual acting on behalf of himself/herself, a valid photo identification of the Individual authorized by the Applicant to act on its behalf; and
- (e) The dates and times of preparation, shooting and location of Filming on Public Property, and any special circumstances including, but not limited to, information regarding whether the activity involves special parking requests, traffic control issues, special effects, and/or any of the Elements listed in Section 46-103; and
- (f) Film Students shall provide a letter from their Film School confirming insurance coverage, and the Film Student's current enrollment in the Film School; and
- (g) The Applicant shall provide the name and contact information for the Individual who is acting on behalf of the Applicant; and
- (h) The Applicant shall provide official documents from the applicable state of incorporation evidencing incorporation of the entity which is the Applicant, if applicable; and
- (i) Any Application Fee pursuant to Section 46-109; and
- (j) A copy of a current City business tax certificate pursuant to Part II, Chapter 30 (Businesses), Article III (Occupation Tax) of the Code; and
- (k) Information concerning any insurance as required by Section 46-108, including a copy of the declaration page for such insurance; and

(1) Other information the AFTMDMD may reasonably request as part of its data collection and any information required by City, County, State or Federal Law.

(2) All Applications will be processed on a “first come, first served” basis.

(3) Following receipt of an Application, the AFTMDMD will make one or more of the following determinations:

(a) issuance of the Permit with or without conditions; or

(b) written notification that more information is needed before the AFTMDMD can make a determination as to a particular Application; or

(c) written notification that the particular Application has been denied and a statement of the reason or reasons pursuant to Section 46-104(4) for such denial.

(4) The AFTMDMD may deny an Application if any one or more of the following issues exists:

(a) the activities for which the Permit is requested pose an unreasonable risk of personal injury or property damage to participants, onlookers, or the general public, including, but not limited to, a complete City street closure without any adequate ingress or egress for police or emergency vehicles or adequate plan to address an emergency situation; and/or

(b) conditions exist that pose an unreasonable danger of threat of damage to Public Property where the damage cannot be quickly and fully remediated; and/or

(c) the location sought is not suitable because the proposed use cannot reasonably be accommodated in the proposed location; and/or

(d) the date and time requested for a particular location is not available because (i) a Permit has previously been issued for such date and time, or (ii) the Permit request is the subject of a new Application, as provided in Section 46-104(3), or (iii) another City agency has issued a permit for such date and time; and/or

(e) the Applicant previously caused significant damage to Public Property and, at the time of submitting a new Application, failed to adequately repair the damage or failed to pay for restoration services in full; and/or

(f) the request was denied by a Department of Purview pursuant to Section 46-103(3); and/or

(g) use of the location or the proposed activity at the location would otherwise violate any law, ordinance, statute or regulation regardless of whether the illegal activity is

part of the message or content of the Filming. Simulation of illegal activity, without actually performing the illegal activity, shall not be an issue for denial; and/or

(h) use of the location would unreasonably interfere with the operation of City functions.

(5) If the Permit has been denied pursuant to Sections 46-104(4)(a), (b), (c), (d) or (h) (with respect to the location) of this Section, the AFTMDMD shall employ reasonable efforts to offer the Applicant suitable alternative locations and/or times and/or dates for the proposed Filming.

(6) If the Permit has been denied pursuant to Sec. 46-104(4) (e), the AFTMDMD may accept the Application after such repair, restoration or payment is complete.

(7) If the Permit has been denied pursuant to Section 46-104(4)(g), the AFTMDMD may consider whether steps can be taken to bring the activities into compliance with applicable law.

(8) The denial of an Application shall be in writing, and shall contain an explanation for the denial, and information about the right to appeal such denial, unless the Applicant, in its Application, authorizes the AFTMDMD to issue an oral determination in connection with the filing of the Application. Where an Applicant waives a written determination, the AFTMDMD may provide Applicant with an oral determination immediately upon finalizing its decision, but the AFTMDMD shall provide a written determination to Applicant pursuant to the requirements of Section 46-104(3) within three (3) business days of providing the oral decision and Applicant's time for an appeal shall commence on the date of receipt of this written response.

(9) In no event shall the AFTMDMD's consideration of the grant or denial of an Application include consideration of race, color, creed, religion, gender, age, disability, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, gender identity, or the message or content of the product of the Filming.

Sec. 46-105 Appeal of Denial, Suspension, Modification or Cancellation of an Application.

(1) After an Application is denied, pursuant to Section 46-104, the Applicant may appeal a written determination by written request with any supporting documentation filed with the Mayor or accepted by a designee who may reverse, affirm, or modify the original determination and provide a written explanation of his or her finding. The Mayor may delegate his or her authority to decide such appeals to the Chief Operating Officer.

(2) If an Application is denied more than thirty (30) days prior to the proposed Filming, the Applicant shall have ten (10) days from the date that such denial is rendered to appeal such denial. The Mayor shall render a decision on such appeal within ten (10) days of receipt of such appeal.

(3) If an Application is denied more than ten (10) days and less than thirty (30) days prior to the proposed Filming, the Applicant shall have five (5) days from the date such denial is rendered to appeal such denial. The Mayor shall render a decision on such appeal within five (5) days of receipt of such appeal.

(4) If an Application is denied ten (10) days or less prior to the proposed Filming, the Applicant shall have one (1) day from the date such denial is rendered to appeal such denial. The Mayor shall render a decision on such appeal as soon as is reasonably practicable.

(5) The written determination of the Mayor shall be the final decision of the City in the matter and shall be subject to appeal to the Superior Court of Fulton County.

Sec. 46-106 Responsibilities of Holders of Required Permits and Optional Permits.

(1) All Holders are subject to the rules of the AFTMDMD, the specific terms and conditions of the Permit, and all applicable city, state, and federal laws or rules. Nothing herein is intended to authorize activities that are illegal under any applicable city, state, or federal law or rule.

(2) All Holders shall have the Permit in their possession on location at the time and site of the Filming, as well as any other Permits required by the AFTMDMD or any other governmental agency, and shall make such Permit available for inspection at the request of an employee of the AFTMDMD, APD, or other government agency.

(3) All Holders shall confine their activities to the locations and times specified in the Permit. The AFTMDMD may establish specific guidelines or conditions to address conditions that exist at certain designated locations and the use of vehicles and equipment at locations based on, among other considerations, safety, the time of day, weather conditions, season, location, and day of the week.

(4) A Required Permit and an Optional Permit are not transferable.

(5) All Holders are responsible for cleaning and restoring the location after the Filming. The cost of any City employee time incurred because of a Holder's failure to clean and/or restore the location following the Filming will be borne by the Holder.

(6) Should there be any injuries, accidents, other health incidents or damage to private or City property at a Permitted Filming, the Holder shall notify the AFTMDMD immediately.

(7) Parking shall be regulated and conform to the standards defined in Part II, Chapter 150 (Traffic and Vehicles), Article IV (Stopping, Standing, and Parking) of the Code.

(8) No dolly track or other Equipment may be laid across a street or block a fire lane without prior approval of the AFTMDMD.

(9) If determined by the AFTMDMD to be appropriate, the Holder shall submit a mitigation plan for minimizing the potential inconvenience to residents and/or businesses caused by the Filming.

(10) There shall be no sit-down catered meals permitted on public streets or sidewalks. Any catering or food services for Filming shall be conducted on properly Permitted property.

(11) The AFTMDMD shall issue a location Rules of Conduct that addresses the importance of considerate behavior on the set of all Filming activities. A copy of the Rules of Conduct shall be given to the Holder of the Required Permit and Optional Permit. The Holder and Producer is responsible for signing the Rules of Conduct and providing a copy of the Rules of Conduct to the cast and crew of each Filming. Holders shall be required to encourage participants in the Filming to act in accordance with such Rules of Conduct.

(12) All Holders shall be responsible for obtaining any licenses to copy, publish or make any other use of an artist's or author's intellectual property which is on Public Property, but is not owned by the City.

(13) Holders shall not display any trademark owned by the City in a manner that implies the delegation of authority of the government of the City, the City Council or the Mayor, to the Holder or implies endorsement of the Holder or Holder's Commercial Filming Activities.

(14) For Low Budget Productions, Holders are requested to include the City in the credits of any Filming on Public Property.

Sec. 46-107 Modifications to, Suspension, or Revocation of a Required Permit or Optional Permit.

(1) If a Holder seeks to modify the Permit, it shall submit an addendum to its original Application and a Change Fee, which will be governed by the same timetable as provided in Section 46-105.

(2) If the AFTMDMD determines that modifications should be made to the terms or conditions of the Permit, or that a Permit should be revoked because of the manner in which the Commercial Film Activity is being conducted, the CAFC may do so, based upon the same reasons for which a denial could be given. A Holder shall be given notice and opportunity to meet with the CAFC prior to revocation or modification provided however that such opportunity shall not prevent stopping of any activity that endangers the public health, safety or welfare.

(3) During the course of the Filming, the AFTMDMD, AFRD or the APD may suspend any Permit where public health or safety risks are found or where exigent circumstances warrant such action. Where a suspension lasting longer than six (6) hours occurs, Holders shall be given notice and an opportunity to be heard on an expedited basis within twenty-four (24) hours or within ten (10) days after the suspension if no exigent circumstances exist and such appeal shall be otherwise governed by Section 46-105.

(4) A Permit may be revoked for public safety reasons by the Chief of Police and/or the Fire Chief, or their designees, in consultation with the AFTMDMD.

Sec. 46-108 Indemnification and Insurance.

(1) By accepting a Permit, a Holder agrees:

(a) to protect all persons and property from damage, loss or injury arising from the Permit and any of the operations performed pursuant to the Permit by or on behalf of the Holder; and

(b) to indemnify and hold harmless the City, to the fullest extent permitted by law, from all claims, losses and expenses, including attorneys' fees and costs, that may arise from the Permit and any of the operations performed pursuant to the Permit by or on behalf of the Holder.

(2) A Holder shall maintain, during the entire duration of the Permit, liability insurance with a limit of at least Five Million U.S. Dollars (\$5,000,000.00 US) per occurrence. A Holder of a Permit for a Low Budget Production shall maintain, during the entire duration of the Permit, liability insurance with a limit of at least One Million U.S. Dollars (\$1,000,000.00 US) per occurrence. Such insurance shall include a policy endorsement naming the City as an additional insured. The Applicant shall provide proof of such insurance prior to the issuance of the Permit in the form of an original certificate of insurance to which a copy of the required endorsement is attached. For Film Students, proof of insurance through a Film School shall satisfy this requirement under this Section 46-108 (2).

(3) If the AFTMDMD determines, in light of the activity for which a Permit is sought, that such activity has a higher-than-normal risk of injury to individuals and/or damage to property, the AFTMDMD shall submit the Application to the City's Risk Manager for review. The City's Risk Manager shall determine the appropriate insurance limit, which may be higher than Five Million U.S. Dollars (\$5,000,000.00 US) per occurrence. The AFTMDMD will inform the Applicant of the insurance limit established by the Risk Manager. Factors to be considered by the Risk Manager may include, but shall not be limited to, the number of people involved, the location of the activity, the nature of the activity, and the risk of injury or damage to property and/or person. The Applicant shall thereafter provide proof of such insurance in accordance with Section 46-108 (2).

(4) If the Applicant believes that the risk associated with the activity or activities in the Application may warrant an insurance limit that is less than Five Million U.S. Dollars (\$5,000,000.00 US) per occurrence, the Applicant may request that the AFTMDMD submit the Application to the City's Risk Manager for review. If the Risk Manager determines that a lower insurance limit is acceptable, s/he may establish a new limit provided that it is no lower than One Million U.S. Dollars (\$1,000,000.00 US) per occurrence. The Risk Manager's decision shall be communicated to the Applicant by the AFTMDMD. Factors to be considered by the Risk Manager may include, but shall not be limited to, the number of people involved, the location of the activity, the nature of the activity, and the risk of injury or damage to property and/or person. The Applicant shall thereafter provide proof of such insurance in accordance with Section 46-108 (2).

(5) The City's Risk Manager shall have the authority to waive the insurance required by Section 46-108 (2) where the Applicant is able to demonstrate that such insurance cannot be obtained without imposing an unreasonable hardship on the Applicant. Any request for a waiver of the insurance required by Section 46-108(3) shall be included by the Applicant in the Application submitted for the Filming. The burden of demonstrating unreasonable hardship shall be on the Applicant, and may be demonstrated by a showing, for example, that the cost of obtaining insurance for the Permitted activity exceeds twenty-five percent (25%) of the Applicant's budget for such activity that is the subject of the Application. The City Risk Manager may take into consideration the Applicant's projections of the budget as well as the budget projections for comparable productions of similar size and duration in determining whether the cost of obtaining insurance exceeds twenty-five percent (25%) of the budget. The City Risk Manager may also take into consideration its determination that the Permitted activity may increase the potential for injury to individuals and/or damage to property. In the event that the City Risk Manager denies a waiver of the insurance requirement, the Applicant may thereafter respond to the denial and appeal such denial pursuant to the provisions of Section 46-105.

(6) In no event shall the Risk Manager base any decisions on the criteria set forth in Section 46-104 (9).

Sec. 46-109 Fee Schedule

(1) The AFTMDMD shall collect all applicable fees arising pursuant to this Article. These fees are set forth below in this Section 46-109, and in other sections of the Atlanta Code of Ordinances pertaining to the cost of services or goods provided by other City departments. Where the CAFC receives funds that are attributable to services performed by another City department, such funds shall be paid to the department providing those services. Where the determination of the cost for the use of Public Property or City personal property is not otherwise already determined herein or in the Code, the CAFC shall consult with the Department of Purview and shall develop the fee to be imposed.

(a) Administrative Fees:

<u>Item</u>	<u>Fee</u>	<u>Description</u>
New Applicant/Account - Filming	\$300	The Fee: i) to initiate an Application for Commercial Filming Activity on Public Property for a single project where no prior Application has been submitted for such Commercial Filming Activity; or ii) Commercial Filming Activity at one location on Public Property where the Applicant had previously submitted an Application but has completed the continuous Filming associated with that Application and desires to re-commence Filming at the same location for the same

		project.
Application Coordination/Additional Location – Filming	\$300 per location	The additional Fee for: i) each additional location on Public Property beyond the initial location listed in the Application; or ii) for the same location where Filming will occur on a non-continuous basis.
Discount Coordination Fee/Multiple Locations - Filming	\$200 per location	The Application Coordination/Additional Location Fee shall be discounted for each additional location where the Application concerns over five (5) locations in addition to the initial location for the same project.
New Application/Account Coordination – Still Photography	\$75	The Fee for Still Photography on Public Property which involves up to fifteen (15) cast and crew members at the location on Public Property. If the Still Photography involves more than fifteen (15) cast and crew members at the location on Public Property, then the New Application/Account Coordination –Still Photography fee will increase to the Discount Application Coordination - Filming fee.
Notification Fee-Filming	\$155 per location	The fee for the AFTMDMD to notify persons affected by Commercial Filming Activity within a five hundred (500) foot radius of the location.
Notification Fee-Still Photography	\$105 per location	The fee for the AFTMDMD to notify persons affected by Still Photography within a three hundred (300) foot radius of the location

(b) Fees Associated with New Account Coordination for Low Budget Productions:

<u>Item</u>	<u>Fee</u>	<u>Description</u>
New Applicant Account Coordination – Low Budget Production	\$210	The Fee: i) to initiate an Application for Commercial Filming Activity on Public Property for a single project where no prior Application has been submitted for such Commercial

		Filming Activity; or ii) Commercial Filming Activity at one location on Public Property where the Applicant had previously submitted an Application but has completed the continuous Filming associated with that Application and desires to re-commence Filming at the same location for the same project.
Application Coordination/Additional Location – Low Budget Production	\$210	The additional Fee for: i) each additional location on Public Property beyond the initial location listed in the Application; or ii) for the same location where Filming will occur on a non-continuous basis.
Discount Application Coordination/Multiple Locations – Low Budget Production	\$140	The Application Coordination/Additional Location Fee shall be discounted for each additional location where the Application concerns over five (5) locations in addition to the initial location for the same project.

(c) Fees associated with Filming by Film Students and Non-Profit Organizations:

<u>Item</u>	<u>Fee</u>	<u>Description</u>
New Application Account Coordination – Film Student/Non-Profit Organization	\$50	The Fee: i) to initiate an Application for Commercial Filming Activity on Public Property for a single project where no prior Application has been submitted for such Commercial Filming Activity; or ii) Commercial Filming Activity at one location on Public Property where the Applicant had previously submitted an Application but has completed the continuous Filming associated with that Application and desires to re-commence Filming at the same location for the same project.
Application Coordination	\$50	The additional Fee for: i) each additional location on Public

Fee/Multiple Location – Film Student/Non-Profit		Property beyond the initial location listed in the Application; or ii) for the same location where Filming will occur on a non-continuous basis.
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(d) Miscellaneous Fees

Item	Fee	Description
Rush Coordination Fee/New Account Application	\$300	The additional fee imposed for a New Application in which the Applicant has requested approval in less than twenty four (24) hours
Change Fee	\$100	The fee imposed for modification made to an Application pursuant to Section 46-107.
Deposit Cancellation Fee	\$300	The fee for a cancellation of a Permit by a Holder less than forty eight (48) hours prior to scheduled start time of the Commercial Filming Activity.
Delivery Fee	\$60/ per 30 miles from from the AFTMDMD office	The fee for the request by the Holder for the hand delivery of Permits by the AFTMDMD to the Holders.

Sec. 46-110 Temporary Structures.

(1) Temporary Structures as defined in this Article may be built on Public Property inspected by the OOB or as allowed by O.C.G.A. § 8-2-26(g)(1) but no permit application shall be required prior to commencing construction.

(2) Any Temporary Structure shall be removed within five (5) days of the completion of Filming at the location where the Temporary Structure is located under the Permit or within one hundred eighty (180) days from the Effective Date of the Permit being issued, whichever is less. The CAFC can extend the time period set forth under Section 46-110(2) with approval by the Department of Purview.

(3) No Temporary Structure shall be constructed in a manner that unreasonably interferes with the property rights of adjacent private property owners.

(4) Temporary Structures shall be exempted from the building codes pursuant to International Building Code Section 105.2(8).

Sec. 46-111 Board of Advisors.

The purpose of the Board of the AFTMDMD shall be to establish a meaningful dialogue between the Mayor's Office and the Industry in the City and abroad, and to facilitate and coordinate the functions of the organizations serving the Industry; to work in concert with the Mayor's Office and the City Council, government agencies, nonprofit organizations and private industries to generate and promote new trade and cultural opportunities for private and public businesses, academic institutions and individuals based in the City that are relevant to the Industry; to encourage the implementation of economic trade and development initiatives between private and public businesses, academic institutions and individuals based in the City that are relevant to the Industry; to work to increase the City's visibility in the international arena with regard to the Industry; to increase and support international economic development initiatives within the Industry resulting in new investment, job growth, and economic impacts in the City.

- (1) The Board shall consist of the Mayor or her/his designee; and
- (2) one member of the Board shall be appointed as the Chair; and
- (3) the Mayor may elect the members to the Board at her/his own discretion or may delegate such authority to the Chair; and
- (4) each member appointed to the Board shall be an individual who has displayed an interest or an ability in one of the various fields of the arts or humanities and/or has been active in the furtherance of the arts or humanities in the City and/or is a part of the Industry within the City and/or is a representative or member of the government of the State of Georgia and/or is a City Council member; and
- (5) members shall be appointed to ensure that they are representative of various geographic areas and neighborhoods within the City; and
- (6) the Mayor shall have the sole authority to remove members without cause and may delegate such authority from time to time to the Chair; and
- (7) the sole authority of the Board is limited to the advisement on Industry issues in the City and abroad as defined in this Section 46-111 and shall in no way represent any authority to vote on or enact nor reject any laws; and
- (8) the Board shall establish its own bylaws, including the length of the term to be served by each member; and
- (9) the Board shall provide a written informational report each year to the Mayor; and
- (10) the CAFC may allocate funds from the AFTMDMD budget for the activities and programs of the Board; and

(11) members of the Board shall serve without compensation, but shall be entitled to receive, in accordance with applicable City regulations, reimbursement for expenses incurred while actually performing duties vested in the Board.

Sec. 46-112 Marketing and Outreach.

(1) The AFTMDMD shall be the public representative for the City to the Industry; and

(2) the AFTMDMD shall conduct any and all marketing related to attracting the Industry to the City by attending and hosting functions and events related to the Industry, including, but not limited to, film festivals within the United States and abroad, Industry panels, and conferences; and

(3) the AFTMDMD shall create and distribute marketing materials to disseminate to organizations within the Industry and at public functions, including, but not limited to the events as described in Section 46-112(2) herein.

Sec. 46-113 Television Broadcast.

The AFTMDMD shall be authorized to broadcast content through the Public Access Channel, Educational Access Channel, and Government Access Channel as defined under Part II, Chapter 34 (Cable Communications Regulations), Section 34-2 (Definitions) of the Code.

Sec. 46-114 Amendment of Part II, Chapter 150 (Traffic and Vehicles), Article VIII (Miscellaneous Rules) Section 150-293(b) of the Code.

(1) An Application can include a request for Filming on arterial streets during peak traffic hours as defined in Section 150-293(b), which shall be reviewed and approved by the DPW.

(2) All such requests for Filming on arterial street during peak traffic hours will be subject to reasonable conditions necessary for the safety of the participants, citizens and community and will be evaluated upon a showing by the Applicant of the following conditions:

(a) Adequate alternate routes are available; and

(b) Adequate access is assured for adjacent businesses and residential areas.